

Official Proceedings

November 5, 2019
8:00 am

Chairman Zander called the meeting of the Stark County Board of Commissioners to order. All members present.

Agenda

Chairman Zander asked for any changes to the agenda. Commissioner Franchuk added Park Board appointment and City/County Planner Joint Powers Agreement.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Kuntz

To approve the agenda with the changes.

DISPOSITION: Motion carried

Minutes

The October 1, 2019 Board of County Commissioner's meeting minutes were presented.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Franchuk

To approve the October 1, 2019 Board of County Commissioner's meeting minutes as presented.

DISPOSITION: Motion carried

Accounts Payable

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Elkin

To approve the accounts payable with the supplement as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Sheriff Lee

Sheriff Lee provided his monthly report which included the following:

- 1242 calls for service were reported with 255 additional courtroom security hours.
- 194 criminal papers were received, 153 were served, and 15 were DNF/Returned;
- There were a total of 134.75 hours of overtime at a cost of \$4,524.08;
- The arrest tally included 169 stops, 3 accidents, 97 citations, and 41 warnings for a total of 141;
- The Sheriff Sales and foreclosures will be provided with the November monthly report;
- The truck reg. program had a total of 9 stops with a total of \$5,200.00 in fines;
- 193 civil papers were received and 144 were served;
- Transports included 4 for other counties, 13 criminal, 20 daily court, 6 medical, 7 mental health, and 2 juveniles;
- The monthly income included \$5,400.00 for civil, \$36,691.15 for truck reg, \$280.00 for fingerprints, and \$5,027.00 for 24/7.

Sheriff Lee presented a contract with the City of South Heart for policing. The final draft had been approved at the South Heart city meeting.

MOTION BY: Commissioner Arthaud **SECOND BY:** Commissioner Elkin

To authorize the Chair sign the City of South Heart contract pending review by the State's Attorney.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Sheriff Lee reported that in October 2016 a check had been issued to the National Forensics Academy for a training that had not been used. He is requesting approval for our new detective to attend the ten week training in January 2020. The only cost now would be for travel expenses.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Arthaud

To approve the detective attend the training in January 2020.

DISPOSITION: Motion carried

Road Superintendent - Al Heiser

Mr. Heiser presented a Resolution to award Asphalt Surface Technologies Corporation the contract for the Chip Seal Coat and Incidentals Projects #SC-4500(019), SC-0400(020), & SU-5-983(064).

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Elkin

To authorize the Chair to sign the Resolution for the Chip Seal Project.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Mr. Heiser also reported that the County received a good price on extra material from the interstate project east of Richardton, and are in the process of hauling the crushed asphalt material and stockpiling it for future use.

Jeremy Wood – Northern Plains Engineering

Mr. Wood provided the Northern Plains engineer's report for two bridge replacement projects, and two street projects. Commissioner Elkin reported that he is aware of an issue with a landowner who had a well control panel burned out. Mr. Wood reported they are checking into the issue and are waiting for the bill from the landowner.

Andrew Krebs – KLJ

Mr. Krebs provided the KLJ engineer's report for two bridge replacement projects, one chip seal project, bridge scour analysis for multiple locations, and a wetland mitigation monitoring project.

Mike Njos – Highland Engineering

Mr. Njos provided the Highland engineer's report for one bridge replacement project, and an update on culvert replacement in the design process phase.

Assessor Fees – Small Cities

Auditor Kay Haag reported that the recommendation to change the assessor fee rate being charged small cities be changed from the current flat rate to a per parcel charge was tabled at the October meeting.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Arthaud

To keep fees as they are.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Motion – Minutes September 17th Meeting

Auditor Haag reported that at the October 1st meeting a motion had been made to approve the September 17th meeting minutes, but there had not been a call for the vote.

DISPOSITION: Roll call vote. All voted aye. Motion carried

2nd Meeting in December – Budget Amendments

Commissioner Zander reported that a date needs to be set for a second meeting in December for budget amendments. Auditor Haag reported that a request has been made to departments to have all bills to Accounts Payable by December 20 to allow enough time to get correct totals for the budget variances. Decision was tabled until the next meeting.

Conditional Use Permit Renewal - OIT Bakken

Commissioner Franchuk presented a CUP Renewal Request from OIT-Bakken. Planning and Zoning Director Steve Josephson reported that the original CUP was approved in 2017 for a waste treatment facility but was never instituted. This is the second renewal OIT has requested. As the property is the site of several unresolved nuisance code violations Mr. Josephson recommended denial of the renewal request.

MOTION BY: Commissioner Arthaud **SECOND BY:** Commissioner Elkin

To deny the renewal request.

DISPOSITION: All voted aye. Motion carried

Zoning

RZ 12-19 Mark and Dana Kostecky are requesting a rezoning from Agriculture to Agricultural Residential on a property located in the S½ of the SW ¼ of Section 34, Township 139, Range 96 containing approximately 19.71 acres. The Planning and Zoning Commission and staff recommends approval.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud

To approve the rezoning request as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

ZTA 01-19- Amendments to Article II: Rules and Regulations, and Article V: Zoning District Regulations of the Stark County Zoning Ordinance as adopted on October 2, 2012 regarding manufactured homes and modular homes was presented. Planning and Zoning Director Josephson reported that the change would make manufactured homes and modular homes permitted uses instead of conditional uses.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud

To accept the change to the code as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Planning and Zoning Commission Reappointments

Commissioner Franchuk reported that zoning board appointments for Kurt Froelich, Daneen Dressler, and Byron Richard expire December 31, 2019. All have been contacted and have agreed to serve another term.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud

To reappoint Kurt Froelich, Daneen Dressler and Byron Richard to another four year term.

DISPOSITION: All voted aye. Motion carried

City/County Planner Agreement

Commissioner Franchuk reported that the State's Attorney is preparing an Amendment to the Joint Powers Agreement between the City of Dickinson and Stark County for the Stark County Planning and Zoning Director to provide planning assistance, with the expenses shared at 50%.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud

To authorize the Chair to sign the agreement.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Employment & Recruitment Guidelines

Deputy Auditor/HR Coordinator Linda Krebs presented a draft of an Employment & Recruitment Guidelines per request from the Commission at a previous meeting. State's Attorney Tom Henning reported that he does not see the necessity of it and is recommending taking no action.

Work Related Injury Leave Policy

State's Attorney Henning presented an amendment to our current policy that allows employees to use their accrued sick/vacation leave to supplement their WSI disability benefit.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Elkin

To approve the policy amendment as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Medical Certification – Road Department

State's Attorney Henning presented an amendment to our Vehicle/Equipment Policy that adds a section requiring county employees who are required to possess a valid Commercial Driver's License for the purposes of county business to carry a Medical Certification.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Franchuk

To approve the medical certification policy as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Scull

Rod Cockeram gave an update on the new Stark County Office Building construction. Zach Mathern with JLG Architects gave an update and pay application report.

Able – Mary Anderson

Ms. Anderson introduced Samantha Walz, a resident in a home that they are requesting funds for a generator, and her assistant, Urja Aryal. Ms. Aryal presented the case in support of the importance of a generator in the home to allow for very little interruption in their daily lives due to the high use of electricity to meet their needs. Ms. Anderson also reported that at the last Department of Emergency Services Drill the homes were identified as a placement of people due to having a generator. Bid for a 125 amp 30 kilowatt gas generator came in at \$20,000.00.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Elkin

To take \$20,000.00 from the general fund.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Public Hearing – Delinquent Tax Properties

Chairman Zander opened the public hearing for delinquent taxes.

Ms. Haag presented twenty four delinquent tax properties. There were no comments from the public.

Chairman Zander closed the public hearing.

These properties will go to sale the 3rd Tuesday in November.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Arthaud
To accept the minimum values on the properties as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

The Board recessed for break and the County Park Board Meeting at 9:15 AM.

The Board of Commissioners reconvened at 10:00 AM.

County Park Board Appointment

Commissioner Franchuk presented the recommendation from the County Park Board to appoint Randy Schwartz to the vacant position.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud
To appoint Randy Schwartz to the County Park Board.

DISPOSITION: All voted aye. Motion carried

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Kuntz
To adjourn the meeting.

DISPOSITION: Motion carried

Kay Haag, Auditor

Ken Zander, Chairman